

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2013-011046

11/18/2014

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT  
M. MINKOW  
Deputy

MICHAEL SOTO, et al.

JAMES M ABERNETHY

v.

ANTHONY M SACCO, et al.

EDWARD G HOCHULI

**MATTER UNDER ADVISEMENT**  
**UNDER ADVISEMENT RULING**

8:42 a.m. Courtroom 108 NE. This is the time set for Oral Argument Re: Defendants' Motion For New Trial, to Alter or Amend the Judgment, and for Remittitur, filed September 29, 2014. Appearing on behalf of Plaintiffs Michael Soto, who is present, and Julie Kunstler Soto is counsel, James M. Abernethy. Appearing on behalf of Defendants Total Transit, Inc. dba Discount Cab, Discount Enterprises, Inc. and Anthony M. Sacco is counsel, Whitney M. Harvey, who is appearing on behalf of counsel, Edward G. Hochuli.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument is heard.

IT IS ORDERED taking this matter under advisement.

9:31 a.m. Matter concludes.

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LATER:

LET THE RECORD REFLECT that the Court will not exercise its discretion to consider the statements purportedly made by Jurors after the completion of the trial. They are ambiguous and unhelpful, in any event.

LET THE RECORD FURTHER REFLECT that the Court will not consider settlement negotiations. To do so violates Rule 408 of the Arizona Rules of Evidence.

Having taken the matter under advisement,

IT IS ORDERED GRANTING Defendants' Motion for Remittitur with respect to Plaintiff Michael Soto and lowering the amount of damages awarded to Plaintiff Michael Soto to \$250,000.00.

IT IS FURTHER ORDERED DENYING Defendants' Motion for Remittitur with respect to Plaintiff Julie Kunstler Soto.

IT IS FURTHER ORDERED that Plaintiffs shall file a notice as to whether or not they accept the reduced verdict in the amount of \$250,000.00 no later than November 25, 2014.